



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: American Management Systems, Inc.

File: B-224393

Date: August 26, 1986

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### DIGEST

1. Where contention that Navy did not evaluate protester's information engineering methodology is contradicted both by request for best and final offers and Navy's comments on final evaluation and protester has not provided evidence to rebut this evidence, GAO concludes that Navy did evaluate protester's methodology.
2. Where request for best and final offers specifically points out deficiency in protester's coordination of information engineering with agency's information resources management function, protest not filed prior to next closing date for receipt of proposals which alleges agency evaluation of information engineering in conjunction with agency's information resources management function was inconsistent with evaluation criteria, is untimely; protester should have known of basis for protest upon receipt of request for best and final offers.

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### DECISION

American Management Systems, Inc. (AMS), protests the Navy's award of a contract to Aquidneck Management Associates, Inc. (AMA), under request for proposals (RFP) No. N00140-85-R-SC37. AMS contends that the Navy did not evaluate proposals in accordance with the evaluation criteria in the RFP. We deny the protest in part and dismiss the protest in part.

The Navy issued this RFP seeking support services for the information resources management (IRM) function of the Trident Command and Central System Maintenance Activity (TRICCSMA) in Newport, Rhode Island, on an indefinite quantity, task order, cost-plus-fixed-fee basis. The RFP identified the evaluation criteria, in order of importance, as personnel, management approach, corporate experience,

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facilities and cost. The RFP emphasized the importance of information engineering in connection with the first two criteria. (Information engineering is a formalized information systems planning and development methodology which provides techniques for identifying, organizing and documenting information for any size organization.) The statement of work included a requirement for the contractor to review and maintain TRICCSMA's IRM standards and guidelines and to perform all software development in accordance with these guidelines. AMS and AMA were the only offerors in the competitive range.

On March 25, 1986, the Navy sent AMS a request for a best and final offer (BAFO). This letter also requested AMS to respond to those areas in which the Navy found deficiencies in AMS's proposal. In part, the letter stated:

"Although your firm demonstrated a thorough understanding of Information Engineering concepts, you did not translate that understanding into a cohesive, detailed, workable methodology which would allow achievement of the objectives stated in the solicitation. Furthermore, there is no correlation between the methodology presented and the existing TRICCSMA [IRM] environment as defined by the IRM Standards and Guidelines referenced in the RFP. The foundation of a good Information Engineering methodology is presented at the summary level, but the detailed discussion of the methodology is weak and does not support the conclusion that your firm possesses the ability to satisfactorily accomplish the RFP requirement."

The closing date for receipt of BAFO's was April 10, 1986.

After receipt of BAFO's, the Navy determined that AMA was the technically higher ranked, lower cost offeror. The Navy's final evaluation report shows that the Navy was still critical of AMS's greater emphasis on "state-of-the-art technologies and techniques" than on the requirements of the statement of work. The Navy awarded the contract to AMA on May 13, 1986. AMS was debriefed on June 17, 1986, and filed this protest with our Office 10 days later.

AMS characterizes Navy statements made during the debriefing to mean that AMS's information engineering methodology was not evaluated, but that the evaluators merely looked at

whether the proposed methodology correlated with TRICCSMA's existing IRM standards and guidelines. AMS contends that this measure was not identified in the RFP and, therefore, that an offeror which proposed the more comprehensive and costly information engineering approach was at a disadvantage. AMS asserts that the RFP required the Navy to evaluate its information engineering methodology and contends that the Navy's evaluation of proposals on a basis other than that stipulated in the RFP violated the Federal Acquisition Regulation, 48 C.F.R. subpart 15.6 (1985).

As a threshold matter, we find it unclear whether AMS is contending that the Navy did not evaluate its information engineering methodology or whether AMS is charging that the Navy's evaluation of this discussion as it related to the scope of the work was inconsistent with the RFP. In either event we see no merit in AMS's position.

To the extent that AMS might be contending that the Navy did not evaluate its information engineering methodology, we find this assertion contradicted by the Navy's request for AMS's BAFO, which lauds AMS's discussion of information engineering, concepts and the Navy's comments on the final evaluation of AMS's proposal; both of these indicate that the Navy did evaluate AMS's methodology. AMS did not rebut this evidence in its comments on the protest, and has not submitted any evidence refuting the Navy's position. We therefore conclude that the Navy did evaluate AMS's information engineering methodology.

This aspect of the protest is denied.

The alternate assertion, that the Navy's evaluation of AMS's information engineering methodology in relation to the scope of the work was inconsistent with the RFP, ignores information in the Navy's request to AMS for a BAFO. The paragraph, quoted above from this request, clearly reflects the Navy's intent to consider how well AMS's discussion of information engineering related to the tasks identified in the RFP and TRICCSMA's IRM environment. This is, in fact, what the Navy did. It therefore is our view that AMS was--or should have been--aware that the Navy would apply the evaluation criteria in this manner when AMS received its request for a BAFO.

Our Bid Protest Regulations, 4 C.F.R. part 21 (1986), require that protests against alleged improprieties which are incorporated into a solicitation by an amendment, such as a request for BAFO's, be filed prior to the next closing date set for receipt of proposals. 4 C.F.R. § 21.2(a) (1986).

Since AMS should have been aware of the bases for its protest when it received the Navy's request for a BAFO, but did not file its protest until long after the next closing date for receipt of proposals, the protest is untimely.

This aspect of the protest is dismissed.

*for Seymour Spoo*  
Harry R. Van Cleve  
General Counsel